

CITY OF EL PASO, TEXAS  
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Building Permits & Inspections

AGENDA DATE: December 28, 2004

CONTACT PERSON/PHONE: R. Alan Shubert, P.E.

DISTRICT(S) AFFECTED: 1

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Liquor License appeal, business located right next door to a school at:  
**910 E. Redd Road, Suite A**

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

Liquor License appeal, business located right next door to a school at:  
**910 E. Redd Road, Suite A**

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one? If so, when?

N/A

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**OTHER:**

(Example: if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT, P.E.**  
DIRECTOR



**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6


**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

December 16, 2004

**BUILDING PERMITS &  
INSPECTIONS DEPARTMENT**

**TO:** The Honorable Mayor and City Council

**FROM:** R. Alan Shubert, P.E.   
Director for Building Permits and Inspections

**SUBJECT:** City Council Agenda – December 28, 2004  
Liquor License Exception Request – 910 E. Redd Road, Suite A

On the Council Agenda is a request from the above property owner for an exception to permit the issuance of a new Alcoholic Beverage License. An inspection by BP&I staff has determined that the location of this facility is not eligible for a license to sell alcoholic beverages because it is within 194 feet of the property line of 910 E Redd Road, Suite A. Because of the proximity to the school, the Department is recommending denial of this request.

City Ordinance grants authority to the City Council to approve such a request and to recommend that the City and State issue the requested liquor licenses, subject to the City Council making certain findings of fact. The specific findings are found in Section 20.08.090.B.4:

“4. The City Council may grant an exception from prohibition of the sale of alcoholic beverages within three hundred feet of a church, school, commercial daycare or public hospital after notice and public hearing if the City Council determines that enforcement of the prohibition in a particular instance:

- a. is not in the best interest of the public;
- b. constitutes waste of inefficient use of land or other resources;
- c. creates an undue hardship on an applicant;
- d. does not serve its intended purpose;
- e. is not effective or necessary; or
- f. for any other reason the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Let me know if you have any comments regarding this issue.

Cc: Lisa Hayes, Assistant City Attorney  
R. Alan Shubert, P.E.

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT, P.E.**  
DIRECTOR



October 19, 2004

**BUILDING PERMITS &  
INSPECTIONS DEPARTMENT**

**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

Dear Property Owner

The City of El Paso has recently received an application requesting the establishment of a liquor license at 910 E. Redd Rd.

The applicant, Micheal Hyneman of "Steakpedos and Spirits," proposes to sell alcoholic beverages for on-premise consumption

If you are interested in this matter, address a letter to the City of El Paso, Building Permits and Inspections Department, stating your opinion or you may telephone our office at 544-4795. Please address all your inquiries to:

Raymond Bonilla  
Building Permits and Inspections Department  
#2 Civic Center Plaza-5<sup>th</sup> Floor  
El Paso, Texas 79901-1196

If you know of any interested property owner who for any reason has not received a copy of this letter, it will be appreciated if you would inform him/her of this request.

Cordially yours,

A handwritten signature in cursive script, reading "Raymond Bonilla".

Raymond Bonilla  
Plan Reviewer I



CITY OF EL PASO  
LICENSE ZONING APPROVAL  
Sales of Alcoholic Beverages

Applicant

Name MICHAEL HYNEMAN Home Address 1  
Home Phone:                      Business Phone: (915) 253.845.1555

Location of Proposed Sales

Business Address 910 E. Redd Rd Suite / Space A  
Legal Description 147 Chapparral Park # 33 W 1/4 part of 1  
Business Name Steakpedos

*This application needs to have the TABC application attached.*

Michael Hyneman 10/23/04  
Applicant's Signature / Date

DEPARTMENTAL USE

Office Review

Zoning district of proposed business                     , Are retail sales permitted?                     

Total parking spaces required                      H/C Spaces                      Van Accessible                     

Field Investigation

Is on-premise / off-street parking adequate? Yes ( ☒ ) No ( ☐ )

Is parking for the physically challenged adequate? Yes ( ☒ ) No ( ☐ ) Properly marked? Yes ( ☒ ) No ( ☐ )

Is there a school, church, hospital and/or commercial day care center within 300 feet of the proposed use? If so, give distance, use, and name of the facility: Located inside Redd Wind Village Shopping Center 116 ft from De Hornedo Middle School  
Property line to property line

Inspector: Rosales Date issued 11/23/04 Date completed 11/24/04

Right next door to a school.

194'

**APPLICATION FOR RETAILER'S PERMIT OR LICENSE**

TABC USE ONLY

	ISSUE DATE	FEE	SURCHARGE	LATE FEE (RENEWAL ONLY)

**1A. APPLICATION FILED FOR:**

- ☒ **BG** WINE AND BEER RETAILER'S PERMIT  
☐ **BE** BEER RETAIL DEALER'S ON-PREMISE LICENSE  
☐ **BQ** WINE AND BEER RETAILER'S OFF-PREMISE PERMIT  
☐ **BF** BEER RETAIL DEALER'S OFF-PREMISE LICENSE  
☐ **BL** RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE  
☐ **BP** BREWPUB LICENSE  
☐ **V** WINE & BEER RETAILER'S PERMIT FOR EXCURSION BOATS  
☐ **Y** WINE & BEER RETAILER'S PERMIT FOR RAILWAY DINING CAR  
☐ **P** PACKAGE STORE PERMIT  
☐ **Q** WINE-ONLY PACKAGE STORE PERMIT  
☐ **LP** LOCAL DISTRIBUTOR'S PERMIT  
☐ **E** LOCAL CARTAGE PERMIT  
☐ **ET** LOCAL CARTAGE TRANSFER PERMIT

Registry No. \_\_\_\_\_

- ☐ **PS** PACKAGE STORE TASTING PERMIT  
☐ **N** PRIVATE CLUB REGISTRATION PERMIT  
☐ **NB** PRIVATE CLUB BEER AND WINE PERMIT  
☐ **NE** PRIVATE CLUB EXEMPTION CERTIFICATE PERMIT  
☐ **NL** PRIVATE CLUB LATE HOURS PERMIT  
☐ **PE** BEVERAGE CARTAGE PERMIT  
☐ **MB** MIXED BEVERAGE PERMIT  
☐ **LB** MIXED BEVERAGE LATE HOURS PERMIT  
☐ **MI** MINIBAR PERMIT  
☐ **CB** CATERER'S PERMIT  
☒ **FB** FOOD AND BEVERAGE CERTIFICATE  
☐ **RM** MIXED BEVERAGE RESTAURANT PERMIT WITH FB

- B.** Application is for: ☒ Original ☐ Renewal ☐ Renewal Change ☐ Change of \_\_\_\_\_  
**C.** If renewal or change, enter license/permit no(s). \_\_\_\_\_  
**D.** If applying for subordinate only, enter primary license/permit no. \_\_\_\_\_

TABC  
USE ONLY**2A. Applicant is:**

- ☐ Individual  
☐ Partnership  
☐ Limited Partnership  
☐ Limited Liability Partnership  
☒ Corporation  
☐ Limited Liability Company  
☐ Other \_\_\_\_\_  
☐ Unincorporated Association of Persons (Private Clubs Only)

**B. Indicate primary business at this location:**

- ☒ **01**-Restaurant ☐ **06**-Grocery/Market  
☐ **02**-Bar ☐ **07**-Liquor Store  
☐ **03**-Sexually Oriented ☐ **08**-Gas Station  
☐ **04**-Sporting Arena, Civic Center, Hotel ☐ **10**-Pari-mutuel Wagering  
☐ **05**-Miscellaneous \_\_\_\_\_ ☐ **11**-Convenience Store with Gas  
☐ **12**-Convenience Store without Gas

FUNC. CODE

BUS. TYPE

TRADE  
CODE

- C.** Does applicant require employees to attend an agency-approved seller training course? ..... **2 C.** ☒ Yes ☐ No  
**D.** Is live music featured two or more times per week? ..... **D.** ☐ Yes ☒ No  
**E.** Has the proposed licensed location been reviewed for compliance with Title III of the Americans with Disabilities Act of 1990? ..... **E.** ☒ Yes ☐ No  
**F.** Does the applicant own the land **and** building at the proposed licensed location? ..... **F.** ☐ Yes ☒ No  
**G.** If location has not been licensed within the last 24 months for on-premise consumption of alcoholic beverages, indicate date sign was posted..... **G.** N/A

WINE % FOR  
BG/BQ**3. Trade Name of Business**Steakpedos & Spirits**4. Address or Location**910 E. Redd Rd Ste A

City

EL Paso TX 79912

County

EL PASO

State

TX

ZIP Code (9 Digits)

79912

CITY CODE

COUNTY CODE

**5. Mailing Address**SAME AS ABOVE**6. Area Code + Business Phone No.**(915) 845-1555**Area Code + Alternate Phone No.**(915) 598-0123**Applicant's E-Mail Address (optional)**

P/C CODE

FOR INDIVIDUAL

- B.** Has the person named in 7A above been a legal resident of Texas for one year the filing of this application? .....

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